

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Christopher Jones,)	
)	
Plaintiff,)	Civil Action No. 2:12-CV-2569-JMC
)	
v.)	OPINION AND ORDER
)	
)	
Officer Perelli, a/k/a/ Edmond Pereira,)	
and Kema Clark, a/k/a/ Kenny Clark)	
)	
Defendants.)	
)	

This matter is before the court upon review of the Magistrate Judge's Report and Recommendation ("Report"), filed on May 30, 2013, recommending that this case be dismissed with prejudice for failure to prosecute. [Dkt. No. 36]. Plaintiff brought this action seeking relief pursuant to Title 42 U.S.C. §1983. On February 11, 2013, Defendants filed a Motion for Summary Judgment. [Dkt. No. 28]. On February 12, 2013, The Magistrate Judge entered an order pursuant to *Roseboro v. Garrison*, advising Plaintiff of the summary judgment procedure and the consequences if he failed to respond. [Dkt. No. 29], *see Roseboro*, 528 F.2d 309 (4th Cir. 1975). Plaintiff received a requested extension of time to respond but failed to do so. The Magistrate Judge *sua sponte* issued another Order on May 3, 2013, giving Plaintiff until May 23, 2013, to respond to the summary judgment motion. [Dkt. No. 34]. The Order specifically stated that Plaintiff's case would be dismissed with prejudice if he failed to respond. *Id.* Plaintiff has not responded to that Order or to the Magistrate Judge's Report.


The Magistrate Judge's Report is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a

recommendation to this court, which has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objections are made. Plaintiff was advised of his right to file objections to the Report [Dkt. No. 36]. However, Plaintiff filed no objections.

In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (*quoting* Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation. [Dkt. No. 36]. Plaintiff was given multiple opportunities to prosecute his action and has failed to do so. This matter is **DISMISSED WITH PREJUDICE**. Defendants' Motion for Summary Judgment [Dkt. No. 28] is denied as moot.

IT IS SO ORDERED.


United States District Judge

Greenville, South Carolina
June 19, 2013